

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

W.A.No.2434 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).33550/2006-R DATED 18/12/2006
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APPELLANT/PETITIONER:-

POOJA ANNA RAJU (MINOR) STD IX,
QUEEN MARY'S ENGLISH MEDIUM HIGH SCHOOL,
KUDICKAL REPRESENTED BY HER FATHER RAJU ISSAC
S/O.P.K. ISSAC, AGED 45 YEARS AND RESIDING AT
PULINATTU HOUSE, KEEZHILLAM P.O., ERNAKULAM.

BY ADV. SRI.P.SANJAY
SMT.A.PARVATHI MENON

RESPONDENTS/RESPONDENTS:-

1. STATE OF KERALA, REPRESENTED BY SECRETARY,
DEPARTMENT OF EDUCATION
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.
3. THE APPEAL COMMITTEE,
HEADED BY THE DISTRICT EDUCATIONAL OFFICER,
KOTHAMANGALAM, ERNAKULAM DISTRICT.
4. PROGRAMME COMMITTEE CONVENOR,
ERNAKULAM REVENUE DISTRICT YOUTH FESTIVAL/KALOLSAVAM,
ERNAKULAM.
5. ANU HARIHARAN, STD VIII,
ASRAM H.S.S., PERUMBAVUR.
6. R.L.V. ANANDAN, VISITING TUTOR,
R.L.V. COLLEGE OF MUSIC AND DANCE, TRIPUNITHURA.

R1 TO R3 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.2434 of 2006

Dated, this the 1st day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

This Writ Appeal has been preferred against the judgment of the learned Single Judge dated 18th December, 2006 recorded in W.P.(C).No.33550 of 2006(R). The appellant was a candidate contesting for Bharathanatyam. In the competition, she was graded 'B' by the Judges. It is the case of the petitioner that they were biased against her as they wanted the 5th respondent to score first position. It is for that reason only they gave the petitioner 'B' grade. Learned Single Judge did not find favour with the plea of the petitioner as mentioned above and consequently the petition was dismissed.

2. The learned counsel for the appellant has argued that the father of the 5th respondent was in charge of the Judges and that itself was enough to conclude that the Judges were favourably inclined to the 5th respondent. The mere fact that the father of the 5th respondent was to look after Judges when they were to come to witness the competition, in our view, could not

be sufficient to conclude bias. Surely, the father of the 5th respondent was in his duty expected of him, which could not be called or termed as an obligation on the Judges. Learned counsel also argues that the appellate authority did not deal with the appeal filed by the petitioner in a proper manner as it was inclined to reject the same as the father of the 5th respondent was a subordinate of the appellate authority. This again seems to be not sufficient to conclude bias or interestedness with the appellate authority. The appellate authority was higher in position than the father of the 5th respondent. He had no reason whatsoever to please the 5th respondent. There is no merit in the appeal which we hereby dismiss.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-